REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the subject application. The Final Office Action dated March 7, 2003 and the Advisory Action dated November 28, 2003 have been received and their contents carefully reviewed.

Applicant hereby amends claim 1 and respectfully submits no new matter has been entered.

In the Final Office Action, the Examiner rejected claims 1-5 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The rejection of these claims is traversed and reconsideration of the claims is respectfully requested in view of the following remarks.

Specifically, in rejecting claims 1-5 under 35 U.S.C. § 112, first paragraph, the Examiner alleges "In claim 1, ... the 'display set part', ... the 'setting signal' and ... the 'set signal' are not supported in the specification."

According to M.P.E.P § 2163.04 "[a] description as filed is presumed to be adequate, unless or until sufficient evidence or reasoning to the contrary has been presented by the examiner to rebut the presumption... The Examiner has the initial burden of presenting evidence or reasons why persons skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims."

However, in attempting to justify the aforementioned rejection of the claims under 35 U.S.C. § 112, first paragraph, the Examiner states that the "display standard set part," the "setting signal," and the "set signal" are "not supported in the specification." (see Final Office Action, paragraph 2.) Further, in the "Response to Arguments" section of the Final

Office Action, the Examiner appears to acknowledge that "'[t]he subject matter of the claimed [invention] need not be described literally in order for the disclosure to satisfy the description requirement' and [the claimed invention] has been shown... at page 9, lines 23-32" yet states that "this page does not disclose the limitations of the claimed invention." Moreover, the Examiner states in the Advisory Action "the specification does not give any details of what the 'display standard set part', 'setting signal', 'set signal'... are made of? What components are used?"

Applicant respectfully submits that, by merely making conclusory allegations, unsupported by the requisite evidence or reasoning, that certain elements are the "not supported in the specification" or that certain pages "[do] not disclose the limitations of the claimed invention," the Examiner has failed to meet the burden necessary to establish a *prima facie* case for noncompliance under 35 USC § 112, first paragraph. Further, it is respectfully submitted that merely questioning what the "display standard set part" and "setting signal" "are made of", or "what components are used", does not satisfy the initial burden of Examiner to present evidence or reasons why persons skilled in the art would not recognize, in an applicant's disclosure, a description of the invention defined by the claims.

Applicant respectfully submits, that the test for determining compliance with the written description requirement set forth in 35 U.S.C. § 112, first paragraph, is whether the disclosure of the application as originally filed reasonably conveys to one of ordinary skill in the art that Applicant had possession of the claimed subject matter at the time the application was filed, rather than the presence or absence of literal support in the specification for the claim language.

With respect to the Examiner's assertion that the term "display standard set part" is not supported by the specification, Applicant respectfully submits the following. First, when taken within the context of the claim, the "display standard set part" is included within the timing controller and sets "one display standard of a plurality of display standards" and generates "a setting signal corresponding to the predetermined display standard [of the liquid crystal display]." Further, within the context of the claim, the "selector" outputs "timing information corresponding to the setting signal" (which is outputted by the display standard set part). Accordingly, illustrative examples of support for the "display standard set part" can be found in the specification, for example, at page 9, lines 23-27, stating "the decoder 24 receives a timing set data from the exterior thereof to output timing count values corresponding to the data. At this time, the timing set data can be set by means of a general dip switch and the like." Further evidence that "display standard set part" is supported by the specification can also be found, for example, in the language of claim 2, (i.e., "wherein the display standard set part sets... display standards using a dip switch"). Accordingly, and at least in view of the aforementioned citations, Applicant respectfully submits the element "display standard set part" is indeed supported by the specification.

With respect to the Examiner's assertion that the term "setting signal" is not supported by the specification, Applicant respectfully submits the following. First, when taken within the context of the claim, the "setting signal" is generated by the display standard set part and corresponds "to the predetermined display standard [of the liquid crystal display]." An illustrative example of support for the "setting signal" can be found in the specification, for example, at page 9, lines 23-25, stating "the decoder 24 receives a timing set data from the exterior thereof to output timing count values corresponding to the data"

and at page 9, lines 27-30 stating "[t]he decoder 24 stores a number of count values for generating control signals in accordance with a display standard, and output[s] the corresponding timing count value in response to an input timing set data." Further, at page 6, lines 24-27, the present specification discloses wherein the display standard set part sets one of a plurality of display standards and generates a setting signal corresponding to the set display standard. Accordingly, and at least in view of the aforementioned citations, Applicant respectfully submits the element "setting signal" is indeed supported by the specification.

Based on the above-cited passages of the instant specification, Applicant respectfully submits that one of ordinary skill in the art would readily recognize that the disclosure of the application reasonably conveys that Applicant had possession of that which is presently claimed.

M.P.E.P. § 2163.04(II) states "before repeating any rejection under 35 U.S.C. 112, para. 1, for lack of written description, review the basis for the rejection in view of the record as a whole, including amendments, arguments, and any evidence submitted by applicant. If the whole record now demonstrates that the written description requirement is satisfied, do not repeat the rejection in the next Office action. If the record still does not demonstrate that the written description is adequate to support the claims(s), repeat the rejection under 35 U.S.C., para. 1, fully respond to applicant's rebuttal arguments, and properly treat any further showings submitted by applicant in the reply."

Based on the arguments presented above, Applicant respectfully submits that the whole record demonstrates that the written description requirement is satisfied. Assuming *arguendo* that the record still does not demonstrate the written description requirement to be

satisfied, Applicant respectfully requests the Examiner fully respond to the substance of Applicant's arguments presented above.

Assuming arguendo, that claims 1-5 are properly rejected under 35 USC § 112, first paragraph, Applicant respectfully submits the invention defined in claims 1-5 must still be considered in view of any pertinent prior art. According to MPEP § 2143.03, even elements that are unsupported in the original specification cannot be disregarded. All limitations of the claims must be considered and given weight even when limitations are unsupported by the original specification and when claims are subject to more than one interpretation. Claims should be rejected over the prior art based on whatever interpretations of the claim that renders the prior art applicable.

Applicant believes the application to be in condition for allowance and early, favorable action is respectfully solicited. Should the Examiner deem that a telephone conference would further the prosecution of this application, the Examiner is invited to call the undersigned attorney at (202) 496-7500.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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Date: January 5, 2004

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